IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED	STATES OF AMERICA	8:09CR453	
	Plaintiff,)))	
vs.		DETENTION ORDER	
JAIME P	EREZ-VALENZUELA,		
	Defendant.))	
After Refo	After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on January 28, 2010, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
The (The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.		
The conta	(1) Nature and circumstances of X (a) The crime: a conspir distribute methamphe 846 carries a minimur maximum of life implication distribute methamphe U.S.C. § 841(a)(1) easimprisonment and a minimum (b) The offense is a crime (c) The offense involves wit: (2) The weight of the evidence and (3) The history and characteristic (a) General Factors: The defendar may affect who in X and the defendar in X and the X and the defendar in X and the X and the defendar in X and the defenda	f the offense charged: acy to distribute and possess with intent to stamine (Count I) in violation of 21 U.S.C. § an sentence of ten years imprisonment and a prisonment; the possession with intent to etamine (Counts II and IV) in violation of 21 ach carry a minimum sentence of ten years aximum of life imprisonment. e of violence. a narcotic drug. a large amount of controlled substances, to	

DETENTION ORDER - Page 2

		Past conduct of the defendant: The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record.
		The defendant has a prior record of failure to appear at
	(b) At the	court proceedings. time of the current arrest, the defendant was on: Probation
		Parole
		Release pending trial, sentence, appeal or completion of sentence.
	(c) Other	
	<u>X</u>	The defendant is an illegal alien and is subject to deportation.
		The defendant is a legal alien and will be subject to deportation if convicted.
	X	The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4)		and seriousness of the danger posed by the defendant's s follows: The nature of the charges in the Indictment.
<u>X</u> (5)		Presumptions That the defendant should be detained, the Court also relied
	on the follow	g that the defendant should be detained, the Court also relied ving rebuttable presumption(s) contained in 18 U.S.C. § the Court finds the defendant has not rebutted:
Х		no condition or combination of conditions will reasonably
		the appearance of the defendant as required and the safety
		other person and the community because the Court finds that
	the cri	me involves:
	X	(1) A crime of violence; or(2) An offense for which the maximum penalty is life
		imprisonment or death; or
	<u>X</u>	(3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for
		one of the crimes mentioned in (1) through (3) above
		which is less than five years old and which was
		committed while the defendant was on pretrial release.
X		no condition or combination of conditions will reasonably
		the appearance of the defendant as required and the safety
		community because the Court finds that there is probable
		to believe: (1) That the defendant has committed a controlled
	<u>X</u>	substance violation which has a maximum penalty of

10 years or more.

DETENTION ORDER - Page 3

(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 28, 2010.

BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge